IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Bail Appl..No. 5481 of 2007()

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CMP.2904/2007 of ADDL.C.J.M.,TRIVANDRUM
C.R.NO.36 OF 2007 OF THIRUVANANTHAPURAM EXCISE RANGE

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PETITIONER : 2ND ACCUSED IN C.R.NO.36/07

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ANAND, S/O.RAMASWAMY ACHARY,
RESIDING AT "MANI BHAVAN",
T.C.28/2898, UPPIDAMOODU,
SREEKANTESWARAM WARD,
VANCHIYOOR VILLAGE,
THIRUVANANTHAPURAM TALUK, THIRUVANANTHAPURAM.

BY ADV. SRI.G.P.SHINOD

RESPONDENT:COMPLAINANT IN CRIME NO.36/07

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STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR AT THE HIGH COURT OF KERALA
AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.5481 of 2007**

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Dated this the 13th day of September, 2007

**ORDER**

Application for regular bail. The petitioner is the 2nd accused. He along with two others faces allegations under the Kerala Abkari Act. The crux of the allegations is that the accused persons were engaged in the illicit activity of bottling spurious liquor to make it appear that it was liquor vended through the defence canteen outlets. At the time of interception, about 176 litres of contraband liquor was seized. The petitioner along with the 1st accused was arrested on 28.7.07 and continues in custody from that date. The 3rd accused was allegedly arrested on 3.8.07. His application for bail has already been dismissed by this Court, it is pointed out.

2. The learned counsel for the petitioner submits that the petitioner who has remained in custody from 28.7.07 may now be enlarged on bail. The learned Public Prosecutor opposes the application. The investigator may be given reasonable further time to complete the investigation, he prays.

3. In the wake of opposition by the learned Public Prosecutor, bail can be granted to the petitioner only if this Court is in a position to entertain both satisfactions contemplated under Section 41 A of the Kerala Abkari Act. In the facts and circumstances of the

case to which I have already made brief reference, I am not at all persuaded to entertain either of those two satisfactions. I find merit in the opposition of the learned Public Prosecutor. In a case like this the investigator is certainly entitled to reasonable further time to complete the investigation.

3. This application is, in these circumstances, dismissed. I may hasten to observe that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation, not, at any rate, prior to 24.09.2007. The investigator shall in the meantime make every endeavour to complete the investigation.

**(R.BASANT, JUDGE)**

rtr/-